House Bill 6 Referendum Effort

In the aftermath of Governor DeWine’s July 23rd signing of the energy subsidy legislation House Bill 6, a group seeking a ballot referendum on the measure, Ohioans Against Corporate Bailouts (OACB), filed its summary petition language and initial signatures with the Secretary of State and Attorney General’s offices on July 30th. OACB is a coalition of environmental, renewable and other energy interests and supportive of Ohio’s existing renewable energy mandates seeking to overturn HB 6.

However, the effort suffered a setback on August 12th when Attorney General Yost rejected OACB’s petition language not being a “fair and truthful” summary of HB6 provisions, citing organizers’ confusion over the Public Utility Commission of Ohio (PUCO) and Ohio Air Quality Development Authority’s (OAQDA) roles in controlling consumer payments to the fund and setting subsequent billing credits to generation plants, among other “inaccuracies or omissions” and 21 separate inconsistencies in the petition.

OACB refiled their petition on August 16th with the Attorney General and Secretary of State with 2,246 signatures to start the process again on their referendum effort.

Attorney General Yost announced on August 29th he had certified the revised summary of the proposed referendum, and that the revised language meets the requirement that the summary be a “fair and truthful representation of the measure ....”

Secretary of State (SOS) LaRose certified on August 30th that OACB had submitted more than the 1,000 valid signatures needed for certification of the HB 6 referendum. With that certification, OACB may commence with petition circulation to gather roughly 265,000 valid signatures, with at least 3 percent or greater of the total vote cast for governor in the last gubernatorial election in at least 44 of Ohio’s 88 counties by October 22, 2019, which is one day before the HB 6 effective date.

In a related development, OACB called on opponents of the referendum, Ohioans for Energy Security, “to pull their fear-mongering ads that claim Ohioans Against Corporate Bailouts petition circulators are agents of the Chinese government.” OACB spokesman went on to say that “these ads are designed to intimidate and threaten our petitioners” who are exercising their constitutionally guaranteed right to put this issue on the ballot. "This is the kind of garbage that will get someone hurt and we will hold all parties associated with their campaign responsible for any harm that comes to our circulators.”

FirstEnergy Solutions (FES) asked the Ohio Supreme Court on September 4th to block OACB’s petition campaign against HB 6 on the theory that the law’s $170 million energy subsidy is a “tax” shielded from ballot referendum by the Ohio Constitution, Article II, Section 1d. Petitioners called it a “specious claim” contradicted by FES’s own supporters in the Ohio General Assembly. FES asked the Supreme Court for an expedited case schedule to halt organizers’ circulation of the petition.
FY20-21 Budget
The August OBM Monthly Financial Report indicates that the state ended FY19 (on June 30, 2019) with an unencumbered cash balance of $1.1 billion. Subtracting the $168.8 million required by Ohio Revised Code Sec. 131.44 to be carried over to the next fiscal year, the state had $977.5 million in what OBM termed the “actual surplus ending balance.”

Census
Gov. Mike DeWine named a wide spectrum of government officials, legislators, interest group leaders and community leaders to serve on the state’s complete count committee leading up to the 2020 Census. According to the U.S. Census Bureau, a complete count panel develops and implements a 2020 Census awareness campaign based on its members’ knowledge of the local community.

Economic Development
U.S. Sen. Rob Portman (R-OH) met with business and government leaders to discuss ways to best use opportunity zones, as well as improve federal rules about them. Ohio — and Columbus in particular — has already positioned itself well to market its 320 zones compared to other states, he said, praising the Ohio Development Services Agency (DSA) portal unveiled in April.

Elections 2020
Mahamud Jama, a small business owner, announced he is running for the 25th District for the Ohio House. The seat is currently held by Rep. Bernadine Kennedy Kent (D-Columbus), who is in her second term and is eligible to run again. Kent has been feuding with the House Democratic Caucus on a number of issues, including accusations by Kent that she was mistreated by caucus staff.

Pickaway County Commissioner Brian Stewart announced this week that he will be running for the Republican nomination in the 78th House District in 2020. The seat is currently held by Rep. Ron Hood (R-Ashville), who is term-limited. Stewart is an Iraq War veteran and previously served as a councilman for the village of Ashville.

Environment
The Columbus region is the first non-attainment area in the nation to meet the most recent federal air quality standard for ground-level ozone, the U.S. Environmental Protection Agency (USEPA) and the Ohio Environmental Protection Agency (Ohio EPA) announced Wednesday. Air monitoring data from 2016-2018 show the Columbus area — which includes Delaware, Fairfield, Franklin and Licking counties — now meets the National Ambient Air Quality Standard (NAAQS) for ground-level ozone, also known as smog, in addition to all other federal air quality standards set to protect public health, Ohio EPA Director Laurie Stevenson said during a press conference on the top floor of the Lazarus Building.

While most state and federal political leaders aren’t taking climate change seriously, and in some cases are actually choosing to further harm the environment, Ohio Environmental Council (OEC) Executive Director Heather Taylor-Miesle said Thursday that she hasn’t lost hope for the future. Taylor-Miesle was joined by American Academy of Pediatrics member Dr. Aparna Bole and Policy Matters Ohio (PMO) Executive Director Amy Hanauer to discuss the new report, “Climate Change is Hazardous to Ohio Children’s Health,” written by PMO’s Amanda Woodrum and Ben Stein.

Three small businesses in Montgomery, Franklin and Medina counties have been approved for a total of up to $265,000 in bond financing and up to $72,000 in grant assistance to purchase new air quality control equipment, the Ohio Air Quality Development Authority (OAQDA) has announced.
**General Assembly/Statehouse**

Sen. Louis Terhar (R-Cincinnati) announced that he will be retiring from the Senate effective Oct. 1, citing health reasons. He was first elected to the Senate in 2016 after serving in the Ohio House for six years. The Senate Republican Caucus will accept applications for the vacancy until 4 p.m. Friday, Sept. 20 with Rep. Louis Blessing (R-Cincinnati) having already announced that he will be seeking the appointment to the seat and would run in 2020. The other two House members of Terhar’s Senate district are Rep. Bill Seitz (R-Cincinnati), who formerly held Terhar’s Senate seat and won Terhar’s old House seat in 2016, and Rep. Jessica Miranda (D-Cincinnati), who defeated former Rep. Jonathan Dever in 2018. Senate Republicans said a caucus screening committee is recommending former Rep. Terry Johnson to replace Sen. Joe Uecker (R-Loveland), who recently resigned to take a position with the Ohio Department of Transportation. The full Senate Republican Caucus is expected to vote on the recommendation later this month. Johnson won out over Reps. John Becker (R-Cincinnati) and Doug Green (R-Mt. Orab), among other applicants for the seat.

**Higher Education**

The Ohio State University (OSU) Board of Trustees elected a new round of officers, approved the university’s 2020 financial plan and approved a series of construction projects totaling nearly $1.4 billion over the next five years. Gary Heminger, CEO of Marathon, was elected chair of the board, while Abigail Wexner, CEO of Whitebarn Associates, and Timothy Smucker, chairman emeritus of the J.M. Smucker Company, were elected vice chairs. The board approved the university’s financial plan for 2020, including $7.5 billion in operating revenue and an expected $487 million surplus.

**Housing/Homelessness**

Ohio foreclosures continued to fall by nearly 5 percent from 2017 to 2018, according to a new report released by Policy Matters Ohio (PMO) that examines data from the Ohio Supreme Court. However, foreclosure rates still remain nearly double those seen in the mid-1990s. There were 33,527 total foreclosures filed in county courts last year, down 4.5 percent or 1,642 foreclosures from 35,169 in 2017. That calculates to just fewer than three foreclosures per 1,000 Ohio residents in 2018.

**Judicial**

Statutes governing Ohio’s municipal ballot initiative process are constitution to a three-judge panel of the U.S. Sixth Circuit Court of Appeals ruled. The Portage County Board of Elections’ decision not certify local ballot measures decriminalizing marijuana did not violate the First or Fourteenth Amendment rights of those seeking to place the initiatives on the ballot, Judge Helen White wrote in her opinion, joined by Judge Eric Clay and joined in part by Judge John Bush, who also offered a separate concurring opinion.

**Marijuana/Hemps**

The city of Columbus will no longer prosecute misdemeanor marijuana possession cases and will dismiss all pending marijuana possession charges, Columbus City Attorney Zach Klein announced. Klein’s office said the enactment of hemp legalization bill SB57 (S. Huffman-Hill) would require drug testing that distinguishes hemp from marijuana. “Without this drug testing capability, the Columbus City Attorney’s Office is not able to prove misdemeanor marijuana possession beyond a reasonable doubt,” his office said in a news release.

**People**

Kurtis A. Tunnell, who served as chief legal counsel for Gov. George Voinovich and was a former managing partner at the Brickler & Eckler law firm, was killed Saturday after a car collided with his bicycle on Scioto Darby Road in rural Hilliard. He was 58. The funeral was held on Thursday, Sept. 5.

The National Council of Examiners for Engineering and Surveying (NCEES) last month installed Dean C. Ringle, executive director of the County Engineers Association of Ohio (CEAO), as its 2019-20 president.
Top News

Public Safety
The Ohio State Highway Patrol (OSHP) reported 10 traffic fatalities over the Labor Day Holiday, two fewer than last year, according to provisional data. There were 10 fatal crashes which claimed 10 lives — a decrease from 2018 when 12 fatal crashes killed 12 people. Alcohol was a contributing factor in at least two fatalities. Additionally, three motorists were not using an available safety belt and two motorcyclists killed were not wearing helmets.

Technology
Two Ohio organizations will receive a piece of $59 million announced by the U.S. Department of Energy (DOE) for new and innovative advanced vehicle technologies research. They are Rural Action, which will receive $900,524 for a project increasing mobility services in rural areas, titled the Rural Open Access Development Mobility Action Plan; and Clean Fuels Ohio, which is receiving $779,011 for its heavy-duty electric vehicle demonstrations for freight and mobility solutions, and $669,999 for its project titled “Decentralized Mobility Ecosystem: Market Solutions for 21st Century Electrified Mobility.”

Transportation/Infrastructure
The prospect of hyperloop technology has moved beyond the feasibility stage, Virgin Hyperloop One CEO Jay Walder told local and state leaders, and there is now a race to see which U.S. locations will be first to host transit with pods that can move people or cargo through tubes up to 650 miles per hour, greatly reducing travel time. Walder met with leaders in Central Ohio over several days at the Columbus Metropolitan Club (CMC).

The Public Utilities Commission of Ohio (PUCO) assured the Federal Railroad Administration (FRA) that crossings blocked by stopped or slow-moving trains is a “complex matter” straddling federal, state and local jurisdictions, and that the commission generally supports a new public reporting system proposed by FRA. At the same time, says PUCO, improved data alone “will not give state and local officials the tools ... needed to mitigate the health and safety risks created by obstructed railroad crossings.” The commission filed comments on FRA’s proposal to begin collecting data through a mobile app for citizens and a dedicated portal for law enforcement on the location, frequency and impact of highway-rail grade crossings afflicted by slow-moving or idling trains. Transportation professionals inside and outside Ohio could use the data to analyze the problem and propose solutions to blocked crossings.

The Reason Foundation recently ranked Ohio’s highway system 18th in the nation for overall cost-effectiveness and condition, an improvement of eight spots over the last edition of the group’s annual report.

Utilities
The Ohio Development Services Agency issued a brief reminding Ohioans that the Home Energy Assistance Summer Crisis Program ends on Saturday, Aug. 31. Ohioans can apply online at energyhelp.ohio.gov or at their local Energy Assistance Provider. To qualify for the Summer Crisis Program, a household must have an annual income at or below 175 percent of the Federal Poverty Guideline or $45,062.50 for a family of four. The household also must have a household member 60 years or older or provide physician documentation that cooling assistance is needed for a household member’s health. Conditions can include lung disease, chronic obstructive pulmonary disease (COPD), or asthma.

The Ohio Supreme Court this week denied a motion from FirstEnergy and its affiliates seeking to have the Court reconsider its decision finding that the Public Utilities Commission of Ohio (PUCO) improperly authorized a rider on customers’ bills and ordered the charges to be removed.

Over the objections of the Ohio Consumers’ Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE), the Public Utilities Commission of Ohio (PUCO) has approved a 63 percent hike in Vectren Energy Delivery of Ohio’s rate of return as part of fixed residential charges slated to rise $5 per month by 2020 and up to $20 more in the next five years, affecting over a quarter million households in 18 counties.
Former Franklin County Auditor Clarence Mingo has resurfaced in a bid for the Ohio Consumers’ Counsel Governing Board after the Republican lost the Franklin County auditor’s race last year to former state Rep. Michael Stinziano (D-Columbus). Mingo joins two other board candidates nominated by Attorney General Dave Yost and could go before the Senate Rules and Reference Committee as soon as Tuesday, Sept. 10. Yost, subject to the advice and consent of the Senate, announced his appointment of Mingo, labor official Mark Johnson and family farmer Charles Newman to the OCC Governing Board on Aug. 9.
### Legislative Updates

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<th>Bill</th>
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<tr>
<td><strong>Goal 1: Promote regionalism at the local, state, and federal levels of government fostering economic growth, prosperity, efficient use of resources, and a high quality of life for Central Ohio residents.</strong></td>
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<td><strong>HB54</strong></td>
<td>LGF TAX REVENUE INCREASE (CERA J, ROGERS J) To increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019.</td>
<td>Current Status: 2/12/2019 - Referred to Committee House Ways and Means</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-54">State Bill Page</a></td>
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<td><strong>HB72</strong></td>
<td>CAPITAL IMPROVEMENTS FUND (ROGERS J, CERA J) To create the Supplemental State Capital Improvements Pilot Program funded by a temporary transfer from the Budget Stabilization Fund and to make an appropriation.</td>
<td>Current Status: 2/20/2019 - Referred to Committee House Finance</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-72">State Bill Page</a></td>
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<td><strong>HB84</strong></td>
<td>CAPITAL IMPROVEMENTS-SEWER LATERALS (HOLMES G) To expressly include, as eligible projects under the State Capital Improvements Program, water and sewer laterals located on private property.</td>
<td>Current Status: 3/27/2019 - House State and Local Government, (First Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-84">State Bill Page</a></td>
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<td><strong>HB124</strong></td>
<td>RESIDENTIAL SMALL LIVESTOCK (BRINKMAN T) To allow an owner of residential property to keep small livestock on the property and to prohibit zoning authorities from regulating certain noncommercial agricultural activities on residential property.</td>
<td>Current Status: 3/12/2019 - Referred to Committee House Agriculture and Rural Development</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-124">State Bill Page</a></td>
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<td><strong>HB133</strong></td>
<td>MILITARY-TEMPORARY LICENSURE (PERALES R, WEINSTEIN C) To require state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio for military duty.</td>
<td>Current Status: 6/19/2019 - PASSED BY HOUSE; Vote 97-0</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-133">State Bill Page</a></td>
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<td><strong>HB149</strong></td>
<td>PROPERTY TAX EXEMPT-RESIDENTIAL SUBDIVISION (MERRIN D) To enact the “Affordable Homebuilding and Housing Act” to temporarily exempt from property tax the increased value of land subdivided for residential development.</td>
<td>Current Status: 4/10/2019 - House Economic and Workforce Development, (Second Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-149">State Bill Page</a></td>
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<td><strong>HB152</strong></td>
<td>TAX LEVY-SUBDIVISION CREATOR (BRINKMAN T) To require certain subdivisions to obtain the approval of the body that created the subdivision before levying a tax.</td>
<td>Current Status: 4/10/2019 - House State and Local Government, (First Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-152">State Bill Page</a></td>
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<td><strong>HB163</strong></td>
<td>WATER AND SEWER PRACTICES (BRINKMAN T) To create a process for withholding local government funds and state water and sewer assistance from municipal corporations that engage in certain water and sewer practices with respect to extraterritorial service.</td>
<td>Current Status: 6/19/2019 - House Public Utilities, (Fourth Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-163">State Bill Page</a></td>
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<td>HB242</td>
<td>CONTAINER USE RESTRICTIONS (LANG G, JONES D) To authorize the use of an auxiliary container for any purpose, to prohibit the imposition of a tax or fee on those containers, and to apply existing anti-littering law to those containers.</td>
<td>6/26/2019 - REPORTED OUT, House State and Local Government, (Fourth Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-242">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-242</a></td>
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<td>SB114</td>
<td>NOISE REGULATION-TOWNSHIPS (HOTTINGER J) To expand the authority of a township to regulate noise within the unincorporated area of the township.</td>
<td>5/21/2019 - Senate Local Government, Public Safety and Veterans Affairs, (Second Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-114">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-114</a></td>
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### Goal 2: Achieve an advanced, inclusive, and exceptional transportation system that connects Central Ohio’s people and products to the world.

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<td>SB132</td>
<td>GAS TAX-LOCAL GOVERNMENT ALLOCATION [WILLIAMS S] To modify the amount of revenue derived from any increase in the motor fuel tax rate that is allocated to local governments and to change the manner in which that revenue is divided between municipal corporations, counties, and townships.</td>
<td>5/1/2019 - Referred to Committee Senate Transportation, Commerce and Workforce</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-132">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-132</a></td>
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**Goal 3: Pursue sustainability solutions that protect and conserve our natural resources and promote a diverse supply of clean, affordable, and reliable sources of energy for our growing region.**

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<tr>
<td><strong>HB7</strong></td>
<td>H2OHIO PROGRAM [GHANBARI H, PATTERSON J]</td>
<td>To create the H2Ohio Trust Fund for the protection and preservation of Ohio’s water quality, to create the H2Ohio Advisory Council to disburse money from the Fund for water quality programs, and to create the H2Ohio Endowment Board to make recommendations to the Treasurer of State regarding the issuance of securities to pay for costs related to the purposes of the Fund.</td>
<td>Current Status: 7/17/2019 - Referred to Committee Senate Finance</td>
<td>State Bill Page: <a href="https://www.legislature.ohio.gov/legislation-legislation-summary?id=GA133-HB-7">https://www.legislature.ohio.gov/legislation-legislation-summary?id=GA133-HB-7</a></td>
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Goal 4: Promote effective data policies and the equitable deployment of digital infrastructure that benefit Central Ohio communities.

HB13 | RESIDENTIAL BROADBAND (CARFAGNA R, O’BRIEN M) To establish the residential broadband expansion program and to make an appropriation.

HB46 | STATE GOVT EXPENDITURE DATABASE (GREENSPAN D) To require the Treasurer of State to establish the Ohio State Government Expenditure Database.
Current Status: 5/15/2019 - REPORTED OUT, House State and Local Government, (Fifth Hearing)

HB190 | FIBER BROADBAND DEVELOPMENT (SMITH R) To create the Ohio Broadband Development Grant Program, to encourage the Department of Transportation to work with telecommunications providers to lay fiber optic cable, and to make an appropriation.
Current Status: 4/10/2019 - Referred to Committee House Finance

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